Mr AK Khungar, Advocate.

This petition has been filed against the order dated 9.6.2006 passed by the learned Additional Sessions Judge, Ferozepur whereby revision petition filed by the petitioner against the order dated 23.3.2005 passed by the learned JMIC framing charge against the petitioner has been dismissed.

The petition itself has been filed at a belated stage on 29.3.2007 whereas the order was passed by the learned Additional Sessions Judge Ferozepur on 9.6.2006. Even otherwise, it has been observed in the order of the learned Additional Sessions Judge that the complainant, in his complaint, had specifically stated that the petitioner had got land in dispute belonging to him allotted by claiming himself to be in possession of the same while actually he was never in possession of the same.

Learned counsel for the petitioner has contended that the revenue record though records the possession of respondent-2 (complainant), however, in fact the petitioner is in possession of the same and the dispute being between the brothers, is only a mode of harassing the petitioner.

After giving my thoughtful consideration to the matter, in my view the question of possession would have to be established by the petitioner by leading evidence and it cannot, in the absence of evidence, be said that the petitioner indeed is in possession. It is no doubt that the petitioner may be in possession of the land in question while the revenue record records otherwise; however, the same cannot be said on the mere ipse dixit of the petitioner without evidence to substantiate the same.

In the aforenoticed circumstances, there is no merit in this petition and the same is hereby dismissed.

17.4.2007. (S.S.SARON)
ASR JUDGE